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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,679	11/21/2003	Steve Mundy	018360/269090	1310

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EXAMINER
KRAMER, JAMES A

ART UNIT	PAPER NUMBER
3627	

DATE MAILED: 05/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/719,679	MUNDY, STEVE
	Examiner	Art Unit
	James A. Kramer	3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *3/28/06*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *14,17-34,38-49 and 51-58* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *14,17-34,38-49 and 51-58* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 3/2/2004 and 3/9/2004 have

been considered by the Examiner.

The information disclosure statement filed 2/28/06 fails to comply with the provisions of

37 CFR 1.97, 1.98 and MPEP § 609 because it fails to include an appropriate date. MPEP 609

states that the date of publication supplied must include at least a month and a year of publication

except that the year of publication (without the month) will be accepted if the applicant points

out in the information disclosure statement that the year of the publication is sufficiently earlier

that the effective U.S. filing date and any foreign priority date so that the particular month of

publication is not an issue. As the references noted above fail to have an appropriate date, a

statement is required by applicant indicating that the references are admitted prior art in order to

be considered.

It has been placed in the application file, but the information referred to therein has not

been considered as to the merits. Applicant is advised that the date of any re-submission of any

item of information contained in this information disclosure statement or the submission of any

missing element(s) will be the date of submission for purposes of determining compliance with

the requirements based on the time of filing the statement, including all certification

requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14, 17-34, 38-49 and 51-58 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Williams et al. in view of Commerce One

Williams et al. teaches an apparatus, system and method for online, multi-parcel, multi-

carrier, multi-service enterprise parcel shipping management.

With respect to **Claim 14**, Williams et al. teaches providing a selectable list of suppliers

to a user via a buyer interface of an electronic procurement system wherein said electronic

procurement system is configured according to an established procurement policy (see for

example page 2 paragraph 0017); allowing said user to purchase one or more goods from one or

more of said suppliers via the electronic procurement system and offering shipping services to

the user via the electronic procurement system upon the user selecting the shipping carrier from

the list of suppliers (see page 3, paragraph 0021).

Examiner notes that the comparison array of Williams et al. represents Applicant's

selectable list.

Further, Examiner notes that Applicant fails to set forth a clear and definite definition for

an electronic procurement system. Based on Applicant's specification and in particular the

"Description of Related Art" Examiner interprets an electronic procurement system as a

computerized system, within a company developed to alleviate the hassles that can be associated

with maintaining a business procurement policy and to maximize access to data regarding

business purchases (Specification, page 2, paragraph 0008, lines 1-3). Examiner notes that the

system of Williams et al. meets this interpretation (for example see page 3, paragraph 0029).

Williams does not specifically teach where in the system allows for the purchase of

tangible goods and for shipping services.

Commerce One teaches a buyer procurement application configured to list preferred

suppliers of goods and services, execute purchase transactions, and record transaction

information regarding purchases made including but not limited to descriptions of the products

or services purchased, an identification of the employee who made the purchase, the price of the

purchase and the time of the purchase (see Applicant's Specification page 7, paragraph 36, lines

3-8 and website for Commerce One Buy submitted by Examiner from archive.org's WayBack

Machine).

Examiner notes that at the time of the present invention it would have been obvious to

one of ordinary skill in the art at the time of the invention to add the shipping services of

Williams to the buyer procurement application of Commerce One. One of ordinary skill in the

art would have been motivated to make such a modification in order to reduce purchasing conts

of shipping services to improve a company's bottom line (see Commerce One page 5 of 8, 1st

paragraph).

With respect to **Claims 17 and 18**, Williams et al. teaches generating a shipping label;

and returning a shipping label to the buyer interface; wherein the step of generating a shipping

label comprises providing the ship to address, and the level of service to a shipping carrier

tracking application (see page 3, paragraphs 0020-0025).

With respect to **Claims 19 and 20**, Williams et al. teaches wherein the electronic

procurement system comprises a buyer procurement server, a shipping carrier procurement

services server and a commerce services server (see Figure 3). Examiner notes that the

Enterprise User Computers represent buyer procurement server. Further the system data center

represents commerce services server and the carriers' servers represent shipping carrier

procurement services server.

With respect to **Claims 21 and 22**, Williams et al. teaches sending user data from the

buyer procurement server to a commerce services server and sending user data from the

commerce services server to the shipping services procurement server upon user selecting the

shipping carrier from the list of suppliers (see Figure 3 and page 6, paragraphs 0101 through

0109).

Examiner notes the Enterprise User Computers (8a-8n) represent Applicant's buyer

procurement server. Additionally, the Firewall/Proxy servers (21a-21k) represent Applicant's

commerce servers, as all information from the Enterprise user/buyer is filtered through these

servers. Finally, the Web Farm (21m-21r) represents Applicant's shipping services procurement

server (see page 6, paragraph 0101, lines 4-8)

Examiner further notes that user information is passed from the Enterprise system (buyer procurement servers) through the firewall/proxy servers (commerce servers) to the System (shipping services procurement server) in order to rate a shipment and thus allow selection by the user of the shipping company (see 8. Shipment Rating starting on page 13, paragraph 0252).

With further respect to **claims 21 and 22**, Williams et al also teaches sending a startup URL from the shipping carrier procurement services application to the buyer procurement application (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 23**, Williams et al. teaches wherein the user data comprises: a user identifier, a buyer company identifier, a return URL and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 24**, Williams et al. teaches sending transaction data to the buyer procurement server from the shipping carrier procurement services server, the data being sent to

location referred to by the return uniform resource locator (see page 23, paragraph 0377 through page 24, paragraph 0389). Examiner notes, as was discussed with respect to claim 23, the create a link feature returns transaction information embedded in a URL to the users.

With respect to **Claim 25**, Williams et al. teaches wherein the user data further comprises: a unique buyer key; and a supplier company identifier. Examiner once again notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that these rules include shipper identifiers which identify the shippers available to a particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 27**, Williams et al. teaches wherein the user data comprises: a user identifier; a buyer company identifier; a return uniform resource locator; and a session identifier (see page 21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner notes that this represents passing user and buyer company identifier. Further, Williams et al.'s PID represents Applicant's session ID. Lastly the create a link feature represent the return URL used to return transaction information back to the user.

With respect to **Claim 28**, Williams et al. teaches wherein the user data further

comprises: a supplier company identifier. Examiner once again notes that when a user logs into

the shipping rules are set for the user system (see page 11, paragraphs 0192-0194). Examiner

notes that these rules include shipper identifiers which identify the shippers available to a

particular user. Further, Examiner notes that a user name represents a unique buyer key.

With respect to **Claim 29**, Williams et al. teaches wherein the user data further

comprises: a unique buyer key, and a unique supplier key, the unique buyer key being sent from

the procurement server to the commerce services server and the unique supplier key being sent

from the commerce services server to the shipping carrier procurement services server (see page

21, paragraphs 0347 and 0348) (page 23, paragraph 0377 through page 24, paragraph 0389).

Examiner notes that when a user logs into the shipping rules are set for the user system

(see page 11, paragraphs 0192-0194). Examiner notes that this represents passing a buyer key.

Examiner notes that these rules further include shipper identifiers which identify the shippers

available to a particular user.

With respect to **Claim 31 and 32**, Williams et al. teaches wherein the startup uniform

resource locator contains embedded values comprising a user identifier, a buyer company

identifier, and a session identifier. (see page 23, paragraph 0377 through page 24, paragraph

0389). Examiner once again notes that the PID represents the session identifier, which relates

back the the logged in user and buyer company and as such includes that information embedded

in the URL.

With respect to **Claim 33,** Williams et al. teaches directing a browser application on the buyer interface to the startup uniform resource locator (see Figure 7).

Examiner notes the similarity between Williams et al.'s Figure 7 and Applicant's Figure 3, described in the Specification on page 9, paragraph 0041, lines 1-7.

With respect to **Claim 34,** Williams et al. teaches enabling the user to specify package shipping data including a ship to address, a package weight, and a level of service (see page 21, paragraph 0347).

With respect to **Claims 38 and 39,** Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 38 and 39.

With respect to **Claim 40-46,** Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 40-46.

With respect to **Claim 47-58,** Examiner finds them substantially similar to the claims above and therefore they are not patentable distinct. Examiner relies on the analysis above for claims 407-58.
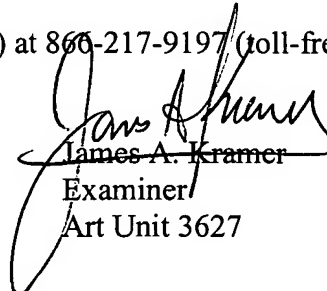
Response to Arguments

Applicant's arguments with respect the claims above have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272 6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer
Examiner
Art Unit 3627

Jak
5/3/06